

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THEODORE LEE LAWTON,

Petitioner,

v.

CASE NO. 2:10-cv-10048

HONORABLE GEORGE CARAM STEEH

NICK LUDWICK,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO RE-OPEN THIS CASE AND
DIRECTING RESPONDENT TO FILE AN ANSWER TO THE AMENDED PETITION**

On January 6, 2010, petitioner Theodore Lee Lawton initiated this action by filing a *pro se* petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. After respondent Nick Ludwick filed an answer to the petition, petitioner moved to hold his case in abeyance while he exhausted additional state remedies for a new claim that his right to a public trial was violated. On September 30, 2010, the Court granted petitioner's request and closed this case for administrative purposes. The Court conditioned its stay on petitioner filing a motion for relief from judgment in the trial court within sixty days of the Court's order. The stay was further conditioned on petitioner filing an amended habeas corpus petition and a motion to re-open this case within sixty days of exhausting state remedies for his new claim.

Pending before the Court are petitioner's amended habeas corpus petition and motion to re-open this case. Petitioner alleges that he has exhausted state remedies for his new claim and that his amended petition is timely filed. Accordingly, petitioner's

motion to re-open this case [Doc. #11] is **GRANTED**. Respondent is **ORDERED** to file an answer to the amended petition and any supplemental state court records within **two (2) months** of the date of this order. Petitioner shall have **forty-five (45) days** from the date of respondent's answer to file a reply.

Dated: July 23, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and upon Theodore Lee Lawton #254897, St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis MI 48880, on July 23, 2012, by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk